

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
: :
: :
v. : Crim. Action No. 2:17 CR 109
: :
TONYEL COLBY : :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed October 1, 2019. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F. Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

The motion under 28 U.S.C. §2255 to vacate, set aside or correct a sentence (Doc. 49) is DISMISSED for vagueness. Petitioner is granted leave to file an amended §2255 motion within 30 days of this Order. The motion to dismiss (Doc. 53) is GRANTED.

Dated at Burlington, in the District of Vermont, this 24th
day of October, 2019.

/s/ William K. Sessions III

William K. Sessions III

U.S. District Court Judge